

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 46

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RONALD A. KATZ

Appeal No. 2003-1089
Application 08/407,064

ON BRIEF

Before OWENS, LEVY and BLANKENSHIP, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from the final rejection of claims 34-49 and 51-115. Claims 26-33 and 50, which are all of the other pending claims, have been allowed.

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THE INVENTION

The appellant claims a videophone system for monitoring remote locations from a central unit. Claims 34 and 40 are illustrative and are appended to this decision.

THE REFERENCES

Fuller et al. (Fuller)	4,843,377	Jun. 27, 1989
Thompson	5,109,399	Apr. 28, 1992
Laycock	5,202,759	Apr. 13, 1993
Yamaguchi	5,264,929	Nov. 23, 1993
(filed Dec. 16, 1991)		

Peter Wright, "Vision by telephone" (Vision), 8243 Computer Systems, No. 1, Bromley, Great Britain (Jan. 6, 1986).¹

THE REJECTIONS

The claims stand rejected under 35 U.S.C. § 103 as follows: claims 34-39, 46, 47, 49, 52, 54-78, 80-89, 93-104, 106-110, 114 and 115 over Vision in view of Yamaguchi and Laycock, claims 40-45 over Vision in view of Laycock and Thompson, claims 48, 51, 90-92 and 111-113 over Vision in view of Yamaguchi, Laycock and Thompson, and claims 53, 79 and 105 over Vision in view of Yamaguchi, Laycock and Fuller.

¹ The pages in Vision are not numbered. Hence, we refer to them as if they are numbered consecutively from 1 to 4.

OPINION

We affirm the rejection of claims 40-45 and reverse the rejections of the other claims.

Claims 34-39, 46-49 and 51-115

Among claims 34-39, 46-49 and 51-115, we need to address, only the independent claims, i.e., claims 34, 46, 77 and 103.

Claim 34 requires a telephonic interface apparatus for interconnecting television camera structures at a plurality of scrutiny locations to at least one television display structure at a central location, and a computer control unit, at the central location, programmed to sequentially and automatically actuate the telephonic interface apparatus to establish television communication between the central station and the plurality of scrutiny locations.

Claim 46 requires a telephonic interface apparatus for interconnecting television communication structures at a plurality of remote locations and a central station, and a control computer programmed to sequentially and automatically actuate the telephonic interface apparatus to selectively communicate from the plurality of remote locations to one of a plurality of television display structures at the central station.

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Claim 77 requires a telephonic interface apparatus for interconnecting television communication structures at a plurality of remote locations and a central station, and a control computer for sequentially actuating the telephonic interface apparatus to selectively communicate in sequence from the plurality of remote locations to at least one of a plurality of television display structures at the central station.

Claim 103 requires a telephonic interface apparatus for interconnecting video communication structures at a plurality of remote locations and a central station, and a control computer for actuating the telephonic interface apparatus to selectively communicate in sequence from the plurality of remote locations to at least one of a plurality of video display structures at the central station.

During patent prosecution, claims are to be given their broadest reasonable interpretation consistent with the specification, as the claim language would have been read by one of ordinary skill in the art in view of the specification and prior art. See *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); *In re Sneed*, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983); *In re Herz*, 537 F.2d 549, 551, 190

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USPQ 461, 463 (CCPA 1976); *In re Okuzawa*, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976).

The appellant's specification indicates that by "remote locations" the appellant means locations that are distributed from a central location over a wide area, such as grocery stores, banks, warehouses, automatic tellers, restaurants, factories, businesses and parking structures (page 2, lines 34-35; page 3, lines 9-10; page 7, lines 17-21). Also, the specification discloses that each remote location can have multiple video speakerphones (page 4, lines 19-21; page 7, lines 27-29; page 13, lines 4-7). Thus, the term "remote locations", given its broadest reasonable interpretation in view of the appellant's specification, refers only to locations distributed over a wide area and not to spaced apart video speakerphone sites at a particular location. The meaning of "remote sites" and "remote stations" in the prior art (Vision, page 1, third column, first three paragraphs; page 2, first column, first full paragraph) is consistent with this meaning, as is the appellant's interpretation of "remote locations" (reply brief, pages 7 and 10). As for the meaning of "scrutiny locations", the appellant uses this term and "remote locations" synonymously

(specification, page 7, lines 5-6 and 17-18; page 16, lines 29-35; figure 3).

Vision discloses a surveillance and alarm system for monitoring remote sites, for example, 60 remote sites, each of which has up to 10 video cameras (page 1, third column). In the surveillance mode, keying a two digit number into a base station triggers a 60-way autodialer to dial out to the selected remote site (page 2, first column). Then, sequentially, a picture is automatically taken by each camera at that remote site. See *id.*

The examiner argues:

In the "Vision" article, the central base station monitors a plurality of remote sites, for example, 60 separate remote sites (see first page, third column, first two paragraphs), by sequentially auto-dialling each of the 60 locations and displaying images captured by each camera for each remote site (see second page, first column, first two paragraphs beginning at "Security applications"). Clearly, images from the plurality of remote locations are displayed in sequence in the surveillance mode since the plurality of remote locations are sequentially called via the central base station 60-way surveillance auto-dialler (note base station surveillance auto-dialler depicted in the figure on the third page). [answer, page 9]

* * *

The "Vision" system is a microprocessor-based system which automatically dials a plurality of remote sites (page 1, second column, second paragraph) but differs from the invention in that the actuation of the autodialing operation is initiated by a human operator rather than under computer timing control. [answer, page 10]

The examiner's argument that the Vision system automatically sequentially dials the 60 remote sites is incorrect. In the Vision system a single remote site is manually dialed using a two digit code (second page, first column, first full paragraph). The only automatic sequencing that takes place is among the cameras at that site. See *id.*

Yamaguchi discloses a video signal switching apparatus having a change-over switch for selectively outputting, under the control of a central processing unit (CPU), video signals from a plurality of video signal sources such as supervisory video cameras (col. 2, line 46 - col. 3, line 60; col. 4, lines 18-26). The CPU can control the switching operation at times provided by stored timer data (col. 11, lines 36-40).

The examiner argues (answer, pages 9-10) :

Yamaguchi was relied upon to show the advantage of using computer timing control when monitoring a plurality of sites rather than requiring an operator at the monitoring site to manually activate monitoring operations (see col. 12, lines 1-39). The examiner did not suggest placing the "Yamaguchi" switch within the central station of the "Vision" system.

The examiner relies upon Yamaguchi only for a suggestion to use computer timing control when carrying out what the examiner considers to be Vision's automatic sequential dialing to remote locations. As pointed out above, however, the Vision system does

not automatically sequentially dial the remote locations.

Laycock is relied upon by the examiner (answer, pages 5-6) for a suggestion to use data compression so that Vision's video can be dynamic rather than slow scan (col. 2, line 65 - col. 3, line 13). The examiner does not rely upon Laycock for any disclosure that remedies the deficiency in Vision as to automatically sequentially dialing remote sites.

We therefore conclude that the examiner has not carried the burden of establishing a *prima facie* case of obviousness of the systems claimed in the appellant's claims 34, 46, 77 and 103. Accordingly, we reverse the rejections of these claims and the claims that depend therefrom.²

Claims 40-45

The appellant indicates that claims 40-45 stand or fall together (brief, page 12). We therefore limit our discussion to one of these claims, i.e., claim 40, which is the sole independent claim among them. See *In re Ochiai*, 71 F.3d 1565, 1566 n.2, 37 USPQ2d 1127, 1129 n.2 (Fed. Cir. 1995); 37 CFR § 1.192(c)(7)(1997).

² The examiner does not rely upon Thompson or Fuller for any disclosure that remedies the deficiency in Vision, Yamaguchi and Laycock as to the independent claims.

In the alarm mode the Vision system observes monitored locations at each remote site from a central station using autodialer dial-up connections originating from the monitored locations (page 2, first column, third full paragraph). A telephonic interface apparatus interconnects the central station and television cameras at each monitored location (page 1, first column, first two paragraphs; page 2, first column, third full paragraph). An alarm sensor triggers a television camera to take four snap shots which are stored and, after an autodialer call is made to the central station, are displayed as slow scan images on a television display at the central location. See *id.* A fifth picture is taken and, while it is being transmitted to the central station, the other cameras at the monitored location are sequenced automatically (page 2, first column, third full paragraph).

Laycock discloses that the use of video data compression and differential pulse code modulation significantly reduces signal bandwidth such that video image signals can be dynamic rather than slow scan (col. 2, line 65 - col. 3, line 13).

Thompson discloses "a computer-based system for receiving emergency telephone calls which, upon receipt of the call, automatically displays to the operator a map showing a geographic

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location associated with the calling party as well as other pre-specified textual information pertaining to the calling party" (col. 1, lines 63-68). The system includes a customer database (52) that contains records about the phone customers served by the system (col. 4, lines 30-32). Each record includes a customer's name, address and telephone number, a pair of map coordinates corresponding to a geographic location associated with the telephone number, and textual information which may include any information considered pertinent to the individual number and which may be useful for emergency services should the need arise (col. 3, lines 10-20; col. 4, lines 30-40). The customer database can be accessed by the emergency caller's telephone number being input to the system using automatic number identification (ANI) (col. 3, lines 20-24). The customer record information and a map showing the area surrounding the location of the calling telephone then are shown on a display (col. 3, lines 26-33; col. 4, line 59 - col. 5, line 19).

The appellant acknowledges in the brief (page 25) that ANI signals are a form of D channel type signals.³ The appellant argues: "The claimed use of 'D' channel type signals is totally foreign to that of 'Thompson.' While Thompson involves 9-1-1 calls from persons, claim 40 involves automated operations prompted by 'alert situations'" (brief, page 26). Claim 40 does not require that the D channel type signals are used for alert situation indication. The only use of the D channel type signals required by the claim is for activating the control computer. Thompson's computer is activated when the telephone number of the calling party is input to the computer system using ANI signals (col. 3, lines 20-24) which the appellant has acknowledged are D channel type signals.

The appellant argues: "Distinct from the identification information provided by 'Thompson,' the system of claim 40

³ The appellant also acknowledges in the specification (page 10, lines 11-14; page 19, lines 21-24) that ANI signals can be carried on the D channel. These acknowledgments are supported by 1) *Newton's Telecom Dictionary* 169 (Telecom Library Inc., 1991) (a copy of which is provided to the appellant with this decision), which states that in the basic rate interface the D channel carries ANI characteristics of a call, 2) computer search results provided to the appellant with this decision, and 3) U.S. 5,003,595 to Collins et al. (filed August 29, 1989), which states: "The D-channel of this primary rate interface carries a setup message 111 including the automatic number identification number 113 to the PBX 121" (col. 4, lines 37-39).

displays 'graphic data including an alert situation indication'" (brief, page 26). The appellant's specification indicates that the term "graphic data" as used by the appellant includes displayed text (page 30, lines 6-8). Thompson discloses that the displayed consumer record data includes "any information considered pertinent to the individual number and which may be useful for emergency services should the need arise" (col. 3, lines 17-20). This disclosure would have fairly suggested, to one of ordinary skill in the art, including in the customer record an alert situation indication such as a medical condition of the customer.

The appellant argues that "'Thompson' operates in a manner foreign to either 'Vision' or 'Laycock,' involving manual emergency calls where a caller is on the line with a security person during communication" (brief, page 23). Thompson's call is initiated by a person rather than by an autodialer as in Vision. However, it would have been apparent to one of ordinary skill in the art that Thompson's ANI would be effective regardless of whether the call is initiated manually-or automatically. Thompson, therefore, would have fairly suggested, to one of ordinary skill in the art, incorporating his system into the Vision system to determine the location of the telephone

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from which each autodialed call is received and to display the telephone's location and information relevant to that location.

For the above reasons we are not convinced of reversible error in the examiner's rejection of claims 40-45. Accordingly, we affirm the rejection of those claims.

DECISION

The rejections under 35 U.S.C. § 103 of claims 34-39, 46, 47, 49, 52, 54-78, 80-89, 93-104, 106-110, 114 and 115 over Vision in view of Yamaguchi and Laycock, claims 48, 51, 90-92 and 111-113 over Vision in view of Yamaguchi, Laycock and Thompson, and claims 53, 79 and 105 over Vision in view of Yamaguchi, Laycock and Fuller, are reversed. The rejection under 35 U.S.C. § 103 of claims 40-45 over Vision in view of Laycock and Thompson is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

<i>Terry J. Owens</i>)
TERRY J. OWENS)
Administrative Patent Judge)
)
<i>Stuart S. Levy</i>)
STUART S. LEVY)
Administrative Patent Judge)
)
<i>Howard B. Blankenship</i>)
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Administrative Patent Judge)

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APPENDIX

34. A system for monitoring a plurality of scrutiny locations from a central station using dial-up telephone facilities comprising:

television camera structures located at said plurality of scrutiny locations for providing representative dynamic image television signals representative of scenes from said plurality of scrutiny locations; at least one television display structure located at said central station;

telephonic interface apparatus for interconnecting said television camera structures at said plurality of scrutiny locations to said at least one television display structure at said central location; and

a control unit located at said central station including a computer and a memory for storing identification designation data and graphic display data for said plurality of scrutiny locations, said control unit programmed to sequentially and automatically actuate, under control of said computer, said telephonic interface apparatus to establish television communication between said central station and said plurality of scrutiny locations to provide a sequence of remote location displays at said central station, for programmed intervals, showing a scene and graphic display data of the plurality of scrutiny locations, said control unit further including interrupt structure for receiving an interrupt signal manifesting a predetermined circumstance to interrupt said sequence of remote location displays controlled by the computer and to provide an alternate display of a scene from another of said plurality of scrutiny locations along with graphic display data.

40. A system for observing a plurality of monitored locations from a central station utilizing dial-up telephone facilities comprising:

at least one television camera structure located at each of said plurality of monitored locations for providing scene representative dynamic image television signals of location displays;

a plurality of switch structures at each of said plurality of monitored locations for providing alert signals indicating various alert situations;

at least one television display structure at said central station for providing a scene display of said plurality of monitored locations represented by said scene representative dynamic image television signals;

telephonic interface apparatus for interconnecting said television camera structures at said monitored locations and said central station, said telephonic interface apparatus including at least one autodialer apparatus at said monitored locations for dial-up connection originated from a monitored location, said telephonic apparatus further including "D" channel type apparatus, for providing "D" channel type signals to manifest said various alert situations; and

a control computer activated by said "D" channel type signals and including memory structure addressable to supply location graphic data, including an alert situation indication for actuating said at least one television display structure to display the graphic data including an alert situation indication along with said scene representative dynamic image television signals of said location displays.